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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 FEDERAL HOME LOAN MORTGAGE)
12 CORPORATION, et al., }
13 Plaintiffs,

CASE NO. SACV 12-01704 UA (DUTYx)

vs.

15 BUDHI DARMAWAN, et al., }
16 Defendants.

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

19 The Court will remand this unlawful detainer action to state court summarily
20 because defendants Budhi Darmawan and Kim Xuyen Dang, ("Defendants") removed
21 it improperly.

22 On October 3, 2012, Defendants, having been sued in what appears to be a routine
23 unlawful detainer action in California state court, lodged a Notice of Removal of that
24 action to this Court and one of the Defendants, Budhi Darmawan, also presented an
25 application to proceed *in forma pauperis*. The Court has denied the latter application
26 under separate cover because the action was not properly removed. To prevent the action
27 from remaining in jurisdictional limbo, the Court issues this Order to remand the action
28 to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, and Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction. Therefore, removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in controversy does not exceed the diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the amount in controversy does not exceed \$10,000.

9 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
10 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
12 Superior Court of California, Orange County, West Justice Center, 8141 13th Street,
13 Westminster, CA, 92683, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
14 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
15 that the Clerk serve copies of this Order on the parties.

17 IT IS SO ORDERED.

19 DATED: 10/12/12

**GEORGE H. KING
CHIEF JUDGE**